

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ALI REZA TAGHEHCHIAN,

Defendant.

CASE NO. 8:11CR269

AMENDED TENTATIVE FINDINGS

The Court has received the Revised Presentence Investigation Report (“PSR”) and the Defendant’s objections thereto (Filing No. 29). The government adopted the PSR (Filing No. 28). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant's objections to ¶¶ 40 and 64 are moot, as the objections appear to have been considered in drafting the final version of the PSR. The objections to ¶¶ 75 and 76 are denied for the reasons stated in the Addendum to the PSR.

The Defendant has not filed a motion for downward departure or variance. However, in his Statement he requests a departure or variance. He states that he anticipates submitting documentary evidence. The deadline for submitting a motion for downward departure or variance and supporting materials, September 17, 2012, has passed. (Filing No. 22, ¶ 6.) Therefore the request for a downward departure or variance is denied.

IT IS ORDERED:

1. The Defendant's objections to the PSR (Filing No. 29) are denied;

2. The Defendant's request for a downward departure or variance (Filing No. 29) is denied;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 19th day of September, 2012.

BY THE COURT:

S/ Laurie Smith Camp
Chief United States District Judge